

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD NOVEMBER 10, 2015**

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**CALL TO ORDER**

At 7:04 p.m., The Mayor called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

**ROLL CALL**

Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and the Mayor answered present. Also present was Township Attorney Joseph Sordillo, Township Administrator John Bussiculo and Township Clerk Ana Minkoff.

**FLAG SALUTE**

The Mayor asked everyone present to stand as he led the Flag Salute.

**CONFERENCE SESSION -**

1. Connell – Rezoning Presentation
2. Library - Redevelopment Discussion

The Mayor stated that there were two matters for Conference tonight and the first matter was a presentation by Connell Real Estate and Development Company.

**Connell**

Mr. Douglas Janacek of Gibbons Law Firm stated he was representing Connell Company. He explained that Shane Connell would next conduct a power point presentation, and speak about a) the office market, b) bring us “up to speed” on events occurring at Connell, and c) the four phases of the Connell Campus evolution. Mr. Janacek stated that the first phase at Connell has been completed; the second phase is under construction; the third phase application was submitted to the Planning Board today and the fourth phase plan would be presented tonight (he stated they would like to focus on the fourth phase, talk about it informally that evening and that they were hopeful that it would lead to an amendment to your zoning.)

Shane Connell presented a power point presentation. The presentation discussion included: 1) an overview of the Connell Corporate Park, i.e., 180 acres, developed over 30 years by the Connell family, consists of 5 office buildings and the Lifetime Fitness Athletic Center. It is comprised of about 30 tenants; 2) the difficult New Jersey corporate environment. The difficult New Jersey retiree environment; Population loss over the last ten years of adults 25 to 35 years old (which is the main employment engine;) 3) their investment plan on a generation basis and criteria used to develop the plan; 4) an overview of office vacancy areas and rates in New Jersey (i.e., Bridgewater, Parsippany, Secaucus, the 78 corridor;) 5) New Jersey vacancy rates (history,) job growth projections, rents; 6) what are other office

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owners doing; 7) status of other corporate parks; 8) re-positioning of vacant “white elephants;” 9) future plans including Harrison; 10) met with State of New Jersey (an Office of Planning;) 11) an overview of the mixed use today at Connell Corporate Park; 12) a lengthy elaboration on plans to move from Connell Corporate Park to a Connell Center (rebrand effort, that is a vibrant mixed use Center that has an urban suburban feel;) and 13) phases of the re-branding efforts (i.e., Lifetime Fitness, Embassy Suites Hotel, dining and meeting spaces, outdoor space plans;) 14) the last phase is the reason Connell was presenting tonight, specifically a plan for residential development (that is a high end apartment complex;) 15) goal is to a) create a long lasting vibrant urban suburban location, b) mitigate risk both to Connell and the Township, c) have an affordable housing component, d) provide entry level housing to Berkeley Heights; e) and have a true multi-use location.

A question was raised as to whether the jogging trail was open to the public. Discussion ensued on use of the outdoor space.

Mr. Faecher stated that the presentation was impressive and he had some questions: 1) whether there was thought given to “for sale” units as opposed to apartments. Mr. Connell elaborated; 2) infrastructure effects on the Town, i.e., traffic, schools. Mr. Connell elaborated; 3) what school this would impact. Discussion ensued.

Mr. Delia asked to point out on the property picture where “this” would be located. Discussion ensued.

The Mayor asked whether Connell anticipated that the tenants would be renting some of the apartments. A brief discussion ensued.

The Mayor spoke about taking a straw vote as to whether we are in agreement to continue this discussion (and mentioned Mr. Bussiculo and Mr. Mistretta.) The Mayor asked if all were in agreement. Members of Council said Aye. The Mayor asked if anyone disagreed.

Mr. Sordillo spoke about the upcoming expected procedures associated with the Connell presentation – these plans will be subject to a rezoning, an ordinance presented, and Planning Board review and Planning Board application. Mr. Sordillo stated that the Connell plan will have to go through the regular channels.

### **The Library**

Mr. Hall reviewed the recent history of Redevelopment actions (i.e., the Harbor Consultant Redevelopment study, presentation to the Planning Board, and Township Council adoption (October 6<sup>th</sup>), ‘sent to Trenton for review.) Mr. Hall spoke about the November 4<sup>th</sup> New Jersey Department of Community Affairs (DCA) letter acknowledging receipt and approving the Redevelopment study. Mr. Hall stated that chapter of the Redevelopment project is now complete. The Mayor asked if Mr. Hall had the copy of the DCA letter – Mr. Hall answered yes. Mr. Hall spoke about how the last meeting (October 20<sup>th</sup>) focused on Park Avenue (redevelopment) and included open discussion. Mr. Hall stated that a) tonight’s discussion would focus exclusively on the Library property and b) they asked Monsignor Harms to present tonight regarding their vision for the property. He stated that we could ask questions and invited the community to ask questions. Mr. Hall spoke about last meeting’s “takeaway” was the question about building aesthetics. Mr. Hall stated that they thought the most productive way to approach that is to have an open house in January (on a Saturday) and have an open dialogue (with schematics, professionals and Council in attendance.) Mr. Hall stated that this information could be presented to the Planner. Mr. Hall stated that in a subsequent Council Meeting’s conference session, a conversation could then be held about the aesthetics. Mr. Hall stated that tonight would be a discussion on the Library from a property point of view with the understanding in January, we will reconvene.

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Monsignor Harms spoke about his experience, background and education, including his 25 years in Administration work. Monsignor stated that he came to Berkeley Heights in 2011 and spoke about his current position with the Chancery. Monsignor spoke about the purpose of the library. He elaborated. Monsignor stated that 400 children attend weekly classes and their intent is that part of the library will be used for CCD. He spoke about classrooms, storage/work rooms, conference rooms, offices, restrooms, and handicapped rooms. The Monsignor stated that the size of the staff is approximately 12 people (full time and part time.) Monsignor stated that the intention of Little Flower is not to change the construction of the building, rather the work will be of an internal nature (not external.) Monsignor stated that the entrances will remain the same. The Monsignor stated that he had a schema here which shows the entire property of the Library and the Church. Monsignor stated that the Church needs to be enlarged to accommodate the number of people who come to Church but that is not part of this conversation. He spoke about the Municipality's parking space requirement and said that they would exceed those needs by 15 parking spaces. Monsignor spoke about the house which was removed last year. Monsignor stated that what he described is in broad terms is what they envisioned for the utilization of the library and elaborated. Monsignor stated that they will have to find a house to live in for the residence but continued that is beyond this issue.

Mr. Hall asked if they envisioned a requirement to have an elevator in the building. Discussion ensued.

The Mayor asked how long it would take to construct. Discussion ensued.

The Mayor asked Monsignor to turn around so the audience could see what he had. Monsignor spoke about the property layout.

Mr. Bussicula asked if the outside of the library would have a facelift. Discussion ensued.

The Mayor asked if anyone in the audience had a question. A question arose whether the Church would be enlarged. Discussion ensued.

Ms. Camille Aragona asked about the wetlands at the Church. Discussion ensued.

Mr. Hall stated that the December 15<sup>th</sup> meeting would focus on the Hamilton property. The Mayor asked Mr. Hall if a meeting was scheduled to discuss how to handle the library during the period of movement. Discussion ensued.

## **TOWNSHIP COUNCIL REPORTS**

**Mr. Delia** – Mr. Delia stated that tomorrow was Veteran's Day. He stated that there are many places around that are supporting our veterans and he thinks it is good to support those businesses (who give veterans special treatment.)

**Mr. Faecher** – Mr. Faecher said he thought Mr. Pastore would speak about the event (as Mr. Pastore is the Committee representative) but did mention that everyone should write a check and make a donation. Mr. Faecher gave an update on the affordable housing front: we received an order back from the Court with some important dates (i.e., a return date (he believed it is December 10<sup>th</sup>) for the Fair Share plan and extension of immunity.) Mr. Faecher stated that there will be draft plans and potentially, opposition filed with respect to our plan and then ultimately a hearing on the 10<sup>th</sup> unless otherwise extended or adjourned.

**Mr. Hall** – Mr. Hall spoke about next year's budget and the Environmental Commission. He elaborated. Mr. Hall stated that the Environmental Commission would like the opportunity during the budget hearings to give a five minute presentation. .

**Mr. Pirone** - Mr. Pirone had nothing to report.

**Mr. Pastore** – Mr. Pastore stated that tomorrow there would be a Veterans Day presentation and that they have worked pretty hard to get the Memorial ready. Mr. Pastore stated that it will be at 8 a.m. tomorrow and the Veterans will also still have a presentation at the VFW at 11 a.m. Mr. Pastore stated that he hoped everyone could attend. Mr. Pastore thanked everyone for voting and for taking part of the process this last week. He stated that it was nice to be successful and to have Mr. D'Aquila be successful and he welcomed him onto the Committee.

**Mrs. Kingsley** – Mrs. Kingsley stated that she would be speaking on behalf of Mr. Pastore and herself regarding the update of the Communication Committee. She spoke about 1) work going on during the past few months on how to effectively communicate with the residents; 2) they have been working with Mr. Bussiculo, Mr. Marceau and Ms. Minkoff on an alert system and elaborated, including the system “up and running” by December 1<sup>st</sup>; 3) the request to set up a Facebook page (working with Mr. Sordillo, Ms. Minkoff and Mr. Bussiculo) and elaborated (including a December 1<sup>st</sup> target date;) and 4) the website and elaborated. Mrs. Kingsley stated that they hope to get this “up and running” within 90 days.

#### **ADMINISTRATION REPORTS**

**Mayor Woodruff** - spoke about 1) the first Annual Winter Wonderland to commence around 6 p.m. on December 5<sup>th</sup>. He encouraged everyone to come out and said the business owners are working very hard on this and elaborated on the event; 2) the last time he was here the Mayor spoke about paying taxes online on November 1<sup>st</sup>. However, the Mayor stated that there was a problem – not ours – and we are seeking to resolve it. He apologized if anyone had tried to do that and explained there was an issue with the Bank; 3) the Mayor asked everyone, if they had the time to stop by tomorrow at 8 a.m., and spoke about the effort of the tradespeople (phenomenal.) The Mayor asked that if you haven't yet written a check, please give some serious thought to doing so.

**Mr. Bussiculo** – Mr. Bussiculo reported about: 1) Construction Department update (73 applications received, 86 permits issued, 125 Plan Reviews, Permit fees collected - \$26,000.) 2) Engineering Department recent bid – Cliffside was winning bidder for Stainless Steel Dump Body; 3) Proposals were received for Snyder Avenue including Van Cleef's proposal 4) Residential Bulk Clean up is now complete; 5) The Morris County Co-Op did come out and paved roads; 5) Stream Cleaning update; 6) there is no start date for the Passaic River (he spoke with a County representative;) 7) The Fire House did receive a generator and we will have it installed by the end of the year; 8) The Fire House Repairs (one full section in front of Tower 2;) 9) Roof repair at Lord Littell; 10) another auction, and are working with Gov Deals to clean up the yard (scheduled for beginning December;) 11) the Street Sweeper is now in Section 2; 12) Leaf collection update; 13) The Chipping Crew completed today. Mr. Bussiculo spoke about the tin claw. He asked Mr. Niosi to speak about the improvements in using this machinery. Mr. Niosi elaborated. Discussion ensued regarding the rental fee and including the purchase fee in budget talks as well as the safety aspect of the “claw;” 14) Pothole repair will now continue; 15) the Building and Grounds cleanup has now been completed; 16) Traffic Light work at Drift Road and Plainfield Avenue; 17) removal of salt spreader for Brine; therefore he asked the Council to consider purchase of one more salter so that every truck will have one; 18) the Sewer Department compliance update; 19) there were some problems at the Twin Falls Pump Station at Pump Number 2 and elaborated; 20) we are getting pricing for temporary equipment for Pump Number 1 (it was submerged;) 21) there was a blockage on Friday night/Saturday morning (November 6<sup>th</sup>/7<sup>th</sup>) at Fawn and Kline Circle and is a perfect example of why a piece of equipment is needed (to get to the easements;) 22) working on getting funding for the intermediate pump (there are 3 sequential pumps of the same vintage and elaborated;) 23) Grease Trap inspection is nearing completion; and 24) there is no change in solid production from last meeting.

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Mr. Pirone asked the Administrator and the Clerk if there is an update on the monthly parking spaces have been purchased. Discussion ensued.

**Meeting CD stopped recording at approximately 8:18 p.m.**

Moved by Mr. Pirone to accept and approve the Township Council and Administration Reports, seconded by Mr. Pastore and upon roll call vote.

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

**APPROVAL OF MINUTES**

Moved by Mrs. Kingsley to approve the following minutes, seconded by Mr. Pirone and upon roll call vote:

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Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

**HEARING ON AGENDA ITEMS ONLY**

Moved by Mr. Hall to open the Hearing on Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

Mr. Foregger of 14 Dorsett Road asked about Sandra Kelder and wanted to know when the Council authorized these services. He asked who brought her in. Discussion ensued.

Hearing no voices, moved by Mr. Hall to close the Hearing on Agenda items, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

**RESOLUTIONS**

**Mr. Delia introduced the following resolution:**

1. Resolution approving Bill List dated November 10, 2015 in the amount of \$612,149.01.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

**Mr. Pastore introduced the following resolution:**

2. Resolution approving insertion of additional revenues in the budget of the year 2015.

Moved by Mr. Pastore to approve resolution #2, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

**Mr. Faecher introduced the following resolution:**

3. Resolution authorizing the online auction services of GovDeals ([www.GovDeals.com](http://www.GovDeals.com).)

Moved by Mr. Faecher to approve resolution #3, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

**Mrs. Kingsley introduced the following resolution:**

4. Resolution authorizing the Township to enter into the Houston-Galveston Area Council Cooperative Purchasing Program.

Moved by Mrs. Kingsley to approve resolution #4, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

**Mr. Hall introduced the following resolution:**

5. Resolution authorizing the release of a cash Performance Bond in the amount of \$74,640.16, to Alcatel-Lucent USA, Inc. for work performed at 600 Mountain Avenue

Moved by Mr. Hall to approve resolution #5, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

**Mr. Pirone introduced the following resolution:**

6. Resolution awarding a contract for a One (1) Gallon Heavy Duty Model 403 U Series Stainless Steel Dump Body – or approved equal, to Cliffside Body Corp., 130 Broad Avenue Fairview, NJ 07022, in the amount of \$18,175.00

Moved by Mr. Pirone to approve resolution #3, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: Mr. Delia  
Abstain: None  
Absent: None

**CONSENT AGENDA –**

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**Mr. Pastore introduced the following resolutions:**

**(7. a-c)**

- a. Resolution authorizing the Tax Collector to refund the following 2015 tax overpayment:  
1.Yuli & Rosa Verbitsky                      57 Robbins Avenue              \$51.42
- b. Resolution authorizing a redemption of Tax Sale Certificate #14-00004 to John Venutolo, for Block #3303, Lot #12, located at Mountain Avenue in the amount of \$1,287.42.
- c. Resolution proclaiming the week beginning November 16, 2015 as “Band Appreciation Week” in recognition of Governor Livingston High School.

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Moved by Mr. Pastore to approve resolution #7a through c, seconded by Mr. Hall, and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

**INTRODUCTION OF ORDINANCES:**

**Public Hearing and Final Adoption scheduled for November 24, 2015:**

The Clerk presented and read:

**“AN ORDINANCE AMENDING THE MINIMUM AND MAXIMUM RATE OF SALARY AND COMPENSATION OF ELECTED AND APPOINTED TOWNSHIP OFFICIALS, AND NON-UNION EMPLOYEES IN THE VARIOUS MUNICIPAL DEPARTMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS.”** Explanation: This Ordinance amends the Township’s current Salary Ordinance (Ordinance #5-2015) to update and add the salary ranges for the various positions.

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk be offered on the first reading, that December 1, 2015 be set as the date for public hearing and that the Township Clerk is directed to advertise same in the Courier News, seconded by Mr. Pastore and carried.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

**CITIZENS HEARING**

Moved by Mr. Faecher to open the Citizens hearing, seconded by Mrs. Kingsley, and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

Ms. Matula of 5 Hastings Road asked about getting the meetings televised. Discussion ensued.

Ms. Camille Aragona of 56 Chaucer Drive asked where do we stand with the Memorandum of Understanding. Discussion ensued.



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Mr. Michael Broderick - Mr. Broderick read a statement to the Mayor and Council (a copy of which is attached to the permanent minutes.)

Mr. Delia stated that he was insulted by what Mr. Broderick just said.

Mr. Charlie Pratt asked regarding Park Avenue and Springfield Avenue. Discussion ensued.

Mr. John Sincaglia of 22 Robbins Avenue asked regarding the December 10<sup>th</sup> date. Discussion ensued. He thanked Mr. Bussiculo.

Hearing no voices, moved by Mr. Faecher to close the Citizens Hearing, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

**XIII. EXECUTIVE SESSION-**

- 1. Attorney/Client Privilege- Litigation- Affordable Housing**
- 2. Contract Negotiations/Land Acquisition-Little Flower Church**

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(8:40 p.m.)**

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

The Mayor reminded all that they would be coming out of Executive Session, only to adjourn.

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(9:10 p.m.)**

Ayes: Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Hall, Mr. Pastore and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: None

**ADJOURNMENT**

Moved by Mr. Delia to adjourn, seconded by Mrs. Kingsley and upon roll call vote:  
**(9:11 p.m.)**

Ayes: Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Hall, Mr. Pastore and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: None

**Approved: December 15, 2015**

**Addressing the Town Council of Berkeley Heights.**

**Thank you Mayor Woodruff.**

**Michael Broderick, 3400 Rte. 35 Hazlet New Jersey.**

**For those of you I have not have the pleasure of meeting, I am the Teamsters union representative for the Department of Public Works and the white collar Employees of the Township of Berkeley Heights.**

**The purpose for my appearance this evening is one I and all of the members of the DPW regret as we fail to understand the reasons behind the unethical and unprofessional actions of Councilman Delia.**

**For quite some time now Councilman Delia you have threatened, complained and create an unhealthy and unsafe atmosphere amongst every worker of the DPW by your unfounded and baseless complaints and allegations. You have made accusations of theft, you have complained not once but twice to the county prosecutor's office, you complained about work being performed by the employees of the DPW when your knowledge of said work was limited at best and you challenged them without ascertaining what in God's name they were doing at the work site. All of these issues have been without cause or any substantial proof of wrong doing, including the two attempts you made to have the prosecutor's office open any active investigation. All the issues you have raised have been without merit or substance but you keep trying, attacking the credibility of the men that work day in and day out providing the necessary services to keep Berkeley Heights the desirable community that it is.**

**One has to wonder if your efforts to disgrace a group of employees that have performed admirably in everything they do, not to mention the work they perform keeping the Town safe and the public able to traverse the roads throughout some of the worst storms New Jersey has experienced. Yes, inquiring minds would like to know what is your real reason behind this and when will you stop. Perhaps when you are sued civilly before a jury of your peers or maybe when you are charged with a criminal action for work place harassment or endangering the safety of the employees of the Department of Public Works in the performance of their duties.**

**In closing Mayor all of the employees of the Department have a great deal of respect for you and the rest of the Council, however the actions of one rogue Councilman insults our intelligence and that of all of you. Let's get back to business of providing the service to the good residents of Berkeley Heights and stop these attempts to destroy a Department that deserves our thanks for what they do.**

**Michael Broderick  
Teamsters Local Union No. 469**